

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3889 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
-

RM MISHRA

Versus

INDIAN OIL CORPORATION LTD

Appearance:

MR KB PANDE for Petitioners

MR RP BHATT, Sr. Adv. with MS MM BHATT for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/10/97

ORAL JUDGEMENT

1. In this special civil application, challenge has been made to the action of the respondents under which the services of the petitioners were terminated.
2. The counsel for the respondents made a statement before this Court that the petitioners have already raised an industrial dispute in respect of termination of

their services and that dispute has been referred by the State Government to the Labour Court where it is pending for adjudication, and as such, in view of this fact, this writ petition is not maintainable.

3. The counsel for the petitioners admit this position. However, he states that this Court may make an observation that the petitioners are entitled to raise the contention before the Labour Court that their services were terminated in violation of section 33 of the Industrial Disputes Act.

4. I fail to see any justification in this request of the counsel for the petitioners. This Court is not required to make any observation that what contentions are to be raised or what contentions are available to the petitioners to be raised. Whatever contentions, which are legally permissible to the petitioners, they have all the right to raise the same before the Labour Court and for that no liberty is required to be granted by this Court.

5. In the result, this special civil application is dismissed as the petitioners have already availed of the alternate remedy. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

zgs/-